Review Conference of States Parties to the Convention on Cluster Munitions

3 June 2015

English only

Second Preparatory Meeting for the First Review Conference
Geneva, 24 June 2015
Item 6 of the provisional agenda
Exchange of views on the proposed post-First Review Conference machinery and meetings

Exchange of views on a post-First Review Conference programme of meetings and machinery

Submitted by the President-designate of the First Review Conference

Introduction

1. One of the purposes of the Review Conference shall be to "review the operation and status of this Convention; to consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention"[1]

2. There are virtually no legal constraints to adapting a meeting programme and related machinery to the realities of the Convention at a particular point in time in the life of the Convention. States Parties have shown great flexibility to date, discussing the most adequate intersessional work programme and timing of formal meetings to adapt to lessons learned and the evolving nature of implementation.

3. The only consideration to keep in mind is that only Review Conferences, (and not Meetings of the States Parties), are mandated "to consider the need for and interval between further Meetings of the States Parties" and that the interval between Review Conferences "shall in no case be less than five years." This entails that a decision must be taken at the First Review Conference, either to maintain the *status quo* or an alternative to the current "need for and interval between further Meetings of the States Parties"

4. By the time of the First Review Conference in 2015, it will be over five years since the Convention entered into force. It is therefore timely to assess, discuss and take decisions on the work programme of the Convention and its related implementation machinery for the period between the First and the Second Review Conference.

[1] Issued as a document of the Diplomatic Conference for the adoption of a convention on Cluster Munitions held in Dublin from 19 to 30 May 2008, under symbol CCM/77.

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Objectives

5. The overall objectives of such discussion should be:

(a) to ensure that the Convention's implementation architecture corresponds to current and actual implementation challenges while maintaining the function as arena for States reporting on progress, challenges and compliance, and for implementation actors to monitor progress and interact with States on how they may meet their obligations. Furthermore, States need to ensure that the next work programme is adequately supported in terms of planning, coordination and financial resources. Effectiveness and cost-efficiency should therefore guide the States discussions on the work programme. (Section I).

(b) To constantly seek the most appropriate management of the work of the Convention in a highly cooperative manner. The mechanisms suggested below would not however, have decision making authority, as such powers rests with all States Parties at Meetings of States Parties and Review Conferences. (section II).

I. Format and purpose of meetings

6. At the First Preparatory Meeting, **States did not question neither the current format nor the purpose of the Meetings of States Parties and intersessionals**. It appears that States agree that:

- **Meetings of the States Parties will continue to be**:
  - The time at which "States Parties shall meet regularly in order to consider, and, where necessary,
  - Take decision in respect of any matter with regard to the application or implementation of this Convention",
  - Where States Parties with obligations under the Convention report on their progress and challenges in their implementation of these and
  - Where States not party and other stakeholders will be invited as observers in accordance with the Convention and the agreed rules of procedure.

7. In the same vein, **the suggestion regarding the intersessionals as informal meetings that, if held, preferably after the 30 April deadline for submitting transparency reports in accordance with Article 7 covering the previous calendar year, and financially covered, as per previous practices, on voluntary basis, seemed to have the agreement among States parties**. Likewise, the practice adopted since the Third Meeting of States Parties of back-to-back intersessional meetings with sister conventions appear to be in accordance with the wishes of States parties.

8. **Options below build on comments raised over the past five years as well as exchanges that took place at the First Preparatory Meeting of 5 February** with the aim of suggesting innovative approaches to reflect the realities and needs of States parties while promoting cost-efficiency and an effective implementation of the Convention.

9. **Two of the five original options suggested at the First Preparatory Meeting did not meet interest from States and have therefore been removed.**

10. Further to this, **based on option 1, "option 1 *bis*" has been introduced** on the basis of comments from members of the Coordination Committee with the location of Meetings of States parties as the differentiating element between option 1 and option 1 *bis*. In option 1, Meetings of States parties would be hosted by the country of the President. In

option 1 *bis*, Meetings of States Parties would be located interchangeably in Geneva and in the country of the President.

11. **Furthermore that, in addition to option 4, "option 4 *bis*" has been introduced** on the basis of comments raised at the First Preparatory Meeting. Option 4 *bis* includes a calendar of meetings similar to that of option 4 but which would start with a meeting of experts (as opposed to a Meeting of States Parties) and then alternate with Meetings of States Parties to synchronize the Meetings of States Parties with the time at which States parties would first need to submit declarations of compliance and/or potential extension requests to deadlines under Article 3 and/or Article 4 for consideration by States parties scheduled in 2017 and 2019.

12. A key consideration expressed by States should be to ensure **a clear division of the nature of Meetings of States Parties versus that of informal meetings**. One suggestion put forward within the context of the options suggested with regards to the calendar and purpose of meetings was to design and consider intersessional meetings as informal meetings of experts. Such meetings would not have any decision making power but could provide recommendations of technical nature to subsequent Meetings of States Parties. Further to this, to strengthen continuity, it should also be considered that the meeting format agreed is maintained throughout the next period leading up to the next Review Conference.

13. Another consideration raised by members of the Coordination Committee relates to the **servicing of Meetings of States Parties**. Thus far, Meetings of States Parties have been serviced by UNODA in partnership with the Conference Management Division of the United Nations. States views on the efficiency, effectiveness and renewal of this role are sought to inform further formalisation of requests to that effect.

14. **Option 1 - annual Meetings of States Parties and intersessionals.**

Meetings of States Parties would be held annually hosted in the country of the President of the Meeting of States Parties for a duration of 4-5 working days. Intersessional meetings would take place annually in Geneva, at the Palais des Nations or alternative location for 1-3 working days, maintaining *status quo*.

Comments

- Support the momentum and ownership of the Convention at a time when the Convention is still young.
- Hosts would, unilaterally or by means of fundraising, be expected to cover additional meeting costs to that otherwise expected when held in Geneva and on the basis of assessed contributions.
- Dates of the intersessional meetings could be coordinated to coincide with other events to facilitate cost-saving in travels, caution raised however over the already fixed calendar of meetings making such attempts difficult;

15. "New" **option 1 *bis* - annual Meetings of States Parties and intersessionals.**

Meetings of States Parties would be held annually on rotational basis, one year in the country of the President of the Meeting of States Parties, one year in Geneva, for a duration of 4-5 working days. Intersessional meetings would take place annually and be held in Geneva, at the Palais des Nations or alternative location for 1-3 working days.

Comments

- This option would support ownership of the Convention at a time when the Convention is still young, while providing a cost effective option and simplification of the logistical aspects of the organization of the meetings every other year;
- Dates of the intersessional meetings could be coordinated to coincide with other events to facilitate cost-saving in travels, caution raised however over the already fixed calendar of meetings making such attempts difficult;

16. **Option 2 - annual Meetings of States Parties. No intersessionals.**

Meetings of States Parties would take place annually for the duration of 4-5 working days, in Geneva at the Palais des Nations or other venue, or abroad.

Comments

- Decreasing the number of meetings per year would decrease meeting costs. Presidents could choose whether to host and/or preside leaving it optional whether to use Geneva or other host country as venue for the meeting.
- Hosts would, unilaterally or by means of fundraising, be expected to cover additional meeting costs to that otherwise expected when held in Geneva and on the basis of assessed contributions.
- Decreasing the number of meetings per year may risk impacting on the momentum of implementation. Merely five years into the life of the Convention, States may hold a preference for more frequent interaction to benefit from political support and peer pressure as well as the general exchange of information and implementation efforts.
- A lack of technical/expert-based forum for discussions within the Convention could affect effective implementation measures.

17. **Option 4 -hybrid model - Meetings of States Parties and meetings of experts.**

Meetings of States Parties would be held bi-annually for the duration of 4-5 working days in a host country or in Geneva, depending on the preferences of the President. meetings of experts would be held bi-annually and interchangeably with Meetings of States Parties for the duration of 4-5 working days in Geneva, back-to-back with other events of similar nature.

Comments

- Clear division of content between Meetings of States Parties and meetings of experts.
- Presidents could choose whether to host and/or preside leaving it optional whether to use Geneva or other host country as venue for the Meetings of States Parties.
- Hosts would, unilaterally or by means of fundraising, be expected to cover additional meeting costs to that otherwise expected when held in Geneva and on the basis of assessed contributions.
- Costs related to the implementation of Meeting of Experts would be covered by voluntary contributions
- The substantive work and pro-activity of States in the implementation of the Convention can be preserved while still reducing costs and simplifying the organization of meetings.

18. **"New" Option 4 *bis* -hybrid model – meetings of experts and Meetings of States Parties.**

Meetings of States Parties would be held bi-annually for the duration of 4-5 working days in a host country or in Geneva, depending on the preferences of the President. Meetings of experts would start the calendar and be held bi-annually and interchangeably with Meetings of States Parties for the duration of 4-5 working days in Geneva, back-to-back with other events of similar nature.

Comments

- The calendar of meetings would start with a meeting of experts which would allow the synchronization of the Meetings of States Parties with the time at which States parties would need to submit declarations of compliance and/or potential extension requests to deadlines under Article 3 and/or Article 4 as stipulated by the Convention for consideration by States parties scheduled in 2017 and 2019.
- Clear division of content between Meetings of States Parties and meetings of experts.
- Presidents could choose whether to host and/or preside leaving it optional whether to use Geneva or host country as venue for the meeting.
- Hosts would, unilaterally or by means of fundraising, be expected to cover additional meeting costs to that otherwise expected when held in Geneva and on the basis of assessed contributions covering documentation, interpretation and translation.
- The substantive work and pro-activity of States in the implementation of the Convention can be preserved while still reducing costs and simplifying the organization of meetings.

Option	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*
1	6th Meeting of States Parties Intersessional	7th Meeting of States Parties Intersessional	8th Meeting of States Parties Intersessional	9th Meeting of States Parties Intersessional	Second RevCon Intersessional	10th Meeting of States Parties Intersessional
1 *bis*	6th Meeting of States Parties Intersessional	7th Meeting of States Parties Intersessional	8th Meeting of States Parties Intersessional	9th Meeting of States Parties Intersessional	Second RevCon Intersessional	10th Meeting of States Parties Intersessional
2	6th Meeting of States Parties	7th Meeting of States Parties	8th Meeting of States Parties	9th Meeting of States Parties	Second RevCon	10th Meeting of States Parties
4	6th Meeting of States Parties	meeting of experts	7th Meeting of States Parties	meeting of experts	8th Meeting of States Parties	Second RevCon
4 *bis*	meeting of experts	6th Meeting of States Parties	meeting of experts	7th Meeting of States Parties	meeting of experts	Second RevCon

II. Implementation machinery

The role of the President of Meetings of the States Parties/Review Conferences and Coordination Committee

The role of the Presidents

19. **Suggestions proposed appeared to gain support at the First Preparatory Meeting**. It is therefore proposed that the **President continue to be mandated to**:

(a) Chairing the Coordination Committee;

(b) Chairing formal and informal meetings;

(c) Taking the lead, in consultation with the Coordination Committee, with respect to any issues related to the pursuit of the Convention's aims with activities including convening small and large group discussions as required and bringing pertinent matters to the attention of all delegations;

(d) Promoting the implementation and universalisation of the Convention and the norms it successfully has established, including in relevant multilateral and regional forums, as well as at the national level;

(e) Promoting coordination amongst all structures established by States Parties;

(f) Leading efforts to mobilise sufficient resources to fund the operations of the Implementation Support Unit;

(g) Presenting a preliminary report on activities at intersessional meetings as well as to use informal meetings, when relevant, as a forum addressing specific topics of interest;

(h) Presenting a final report on activities, as well as conclusions and recommendations if relevant, at annual formal meetings.

20. Similar to suggestions made and subsequently implemented with reference to the Anti-personnel Mine Ban Convention, **it is suggested that the Presidential period be reconsidered and placed in advance of the Meetings of States Parties to allow for a more constructive lead time up to a Meeting of States Parties under the chairmanship of the President who also have lead the intersessional and preparatory work**. A presidential period would thereby start at the end at the last day of a Meeting of States Parties and run through to the last day of the following Meeting of States Parties. Such an approach would necessitate a reconfiguration following the Review Conference with a transitional year seeing the mandate of the President of the Sixth Meeting of States Parties start 1 January 2016 and thereafter, guiding the work of the Convention up to, as well as planning for and presiding over the Sixth Meeting of States Parties. The subsequent handover to the President of the Seventh Meeting of States Parties would take place at the closing of the Sixth Meetings of States Parties.

The role and composition of the Coordination Committee

21. Since the Second Meeting of States Parties, at which time the Coordination Committee of the Convention was first formally established, the Coordinators of Working Groups have been nominated and selected at Meetings of States Parties on the basis of broad-based consultations with an aim to maintain inclusiveness and broad political ownership. Working under the guidance of the President they have conducted their work with the aim to optimize results-oriented, practical, cost-effective and efficient working methods within the spirit of cooperation underpinning the Convention.

22. **Based on the exchanges at the First Preparatory Meeting, it is proposed that the Coordination Committee remain**:

- A coordinating body, and that it essentially
- Retain its mandate to coordinate the work flowing from and related to upcoming formal meetings of States parties as well as any intersessional work which may be deemed relevant in any particular year, and that
- If the Coordination Committee deems it relevant, particular issues or topics could be placed on the agenda for discussion by all delegations during informal meetings.

23. The Coordination Committee would be composed of the President, assisted by the Director of the Implementation Support Unit, President-designate, the co-Coordinators on general status and operation of the Convention, universalisation, stockpile destruction, clearance and risk reduction education, victim assistance, cooperation and assistance, all mandated for a duration of two years and Coordinators on matters pertaining to national implementation measures as well as on transparency measures, both mandated for a duration of one year (renewable).

24. In keeping with past practice, the Coordination Committee may call upon others to assist with its work as appropriate, and maintain the invitation to the International Committee of the Red Cross, United Nations and the Cluster Munitions Coalition to join the Coordination Committee in observer capacity.

25. Supported by the Presidencies of the Meeting of States Parties over the past five years, the promotion of cooperation and joint activities between the Coordinators on cooperation and assistance and the Coordinators on clearance, stockpile destruction and victim assistance would be encouraged.